

# **Arizona Senate Family Services Committee**

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# FAMILY SERVICES COMMITTEE

**Forty-seventh Legislature  
Second Regular Session**

## **LEGISLATION ENACTED**

spousal maintenance; tax refund; setoff (S.B. 1087) – Chapter 246

Authorizes the clerk of the court to intercept state income tax refunds for the collection of spousal maintenance.

parental rights; termination; grandparents; custody (S.B. 1119) – Chapter 247

Requires the Department of Economic Security to place a child in the least restrictive type of placement available, consistent with the needs of the child. The order of preferred placement is with a parent, with a grandparent, with another relative, in family foster care, in therapeutic foster care, in a group home and in a residential treatment facility.

If the child is not placed with a grandparent or other relative within 60 days after the child is removed, the court must determine why such placement is not in the child's best interests. The state has the burden of presenting evidence that placement with a relative is not in the child's best interest, and the court must make specific written findings in support of a decision that placement with a relative is not in the best interest of the child.

integrated family court; pilot programs (S.B. 1267) – Chapter 364

An emergency measure requiring the Supreme Court to implement a two-year Integrated Family Court Pilot Program (Program) in a county with less than 500,000 persons and appropriating \$850,000 from the state General Fund in FY 2006-2007 to the Administrative Office of the Courts for the Program. The Domestic Relations Committee (DRC) is continued for three years and the courts must submit reports on the Program to the DRC.

youthful sex offenders; study committee (S.B. 1328) – Chapter 165

Establishes the 15-member Joint Legislative Committee on Youthful Sex Offenders (Committee) to study issues relating to youthful sex offenders. Requires the Committee to report its findings and recommendations to the Governor and the Legislature by December 31, 2006, and repeals the Committee on October 1, 2007.

adoption; termination of parental rights (S.B. 1415) – Chapter 58

Waives a potential father's right to be notified of judicial hearings regarding the child's adoption or termination of parental rights (TPR), or to give consent to adoption or TPR, if he fails to file a paternity action after notification of potential paternity.

## **FAMILY SERVICES COMMITTEE (Cont'd.)**

### newborn safe havens; volunteers (S.B. 1427) – Chapter 252

Allows volunteers at safe havens to accept newborn infants. Makes an individual who manufactures a dangerous drug or possesses the chemicals to do so guilty of endangerment or abuse, or both, if a child or vulnerable adult is present, whether or not the individual has care or custody of the child or vulnerable adult.

### CPS; semiannual reports; child deaths (H.B. 2048) – Chapter 203

Requires the Department of Economic Security (DES) to semiannually report information on children who died while in DES custody; children with an active Child Protective Services (CPS) case who died due to abuse; CPS investigations assigned for investigation, completed and remaining open; and information on out-of-home placements, termination of parental rights and vacant CPS positions. DES must also include in the report a description of three to five major challenges in achieving the goal of safe, permanent homes for abused and neglected children.

### ~~joint legislative committee on homelessness~~ (NOW: hearing; private service provider; dependency) (H.B. 2094) – Chapter 204

Allows the court to order an agency or private service provider to provide covered medically necessary behavioral health services to Medicaid or KidsCare eligible children who are adjudicated a ward of the court. The court may also order an agency or private service provider to appear at a hearing to discuss the service plan of the child or the parent, on motion of any party asserting that the child or the parent has a statutory or contractual right to receive services from the agency or private service provider.

### certificates of foreign birth (H.B. 2106) – Chapter 20

An emergency measure requiring the State Registrar to create a certificate of foreign birth for adopted persons who have completed the adoption process in a foreign country before coming to the United States and have a stamped IR-3 passport. Identifies documentation necessary to obtain a certificate of foreign birth for individuals who have and do not have an IR-3 visa and for individuals who have completed the readoption process in Arizona. Certificates of foreign birth must show the country of birth and state that the certificate is not evidence of U.S. citizenship.

### foster care review board; continuation (H.B. 2125) – Chapter 9

Retroactive to July 1, 2006, continues the Foster Care Review Board until July 1, 2016.

### DES; information technology personnel; fingerprints (H.B. 2287) – Chapter 133

Requires information technology (IT) personnel employed by the Department of Economic Security to have a valid fingerprint clearance card (card). Current IT personnel have until July 1, 2007, to obtain a valid card or a good cause exception.

## FAMILY SERVICES COMMITTEE (Cont'd.)

### child support; court orders (H.B. 2292) – Chapter 180

Requires court orders allowing direct payments for child support arrearages to specify dates and to include specific findings in support of the credit. Requires written agreements for credit against child support arrearages to be made by written affidavit signed by both parties and specifies how agreed-upon credits are applied. Identifies the date child support obligations begin to accrue and the date interest begins to accrue on child support arrearages. Allows a government agency to develop a child support arrearage calculator.

### department of economic security; continuation (H.B. 2319) – Chapter 330

Retroactive to July 1, 2006, continues the Department of Economic Security (DES) until July 1, 2008. Requires the Auditor General to report to legislative committees on DES progress in implementing the recommendations from seven previous audits.

### child support; self-employed parent (H.B. 2342) – Chapter 110

Requires the court to determine the cost each parent pays of a federally authorized tax practitioner used to assist in determining child support obligations when a parent is self-employed, instead of requiring parents to equally share the cost.

### developmental disabilities oversight committee (H.B. 2343) – Chapter 189

Establishes the 16-member Developmental Disabilities Oversight Committee (Committee) to perform specified duties relating to persons with developmental disabilities. Requires the Committee to annually report its findings to the Governor and the Legislature and sunsets the Committee on July 1, 2011.

### child support enforcement; performance audit (H.B. 2488) – Chapter 209

Eliminates the expiration date of three years after the emancipation of the last unemancipated child for unpaid child support. If collection efforts are made more than ten years after the emancipation of the youngest child, the person owing child support may assert as a defense, and has the burden to prove, that there was an unreasonable delay in attempting to collect child support debt.

Allows a presumptive father to petition the court to terminate a child support order. If the court finds that the presumptive father is not the child's biological father, the court is required to vacate the determination of paternity and terminate the child support obligation. The court may also order the biological father to pay restitution to the petitioner for any child support paid.

By November 15, 2007, the Office of the Auditor General must conduct a special audit of the Department of Economic Security Division of Child Support Enforcement and submit copies to the Governor and the Legislature.

## **FAMILY SERVICES COMMITTEE (Cont'd.)**

### adult protective services; investigations; hearings (H.B. 2558) – Chapter 211

Establishes an appeals process for persons who are accused of abuse, neglect or exploitation of a vulnerable adult and investigated by the Department of Economic Security (DES) Adult Protective Services (APS). Additionally, the measure requires DES to maintain an APS Registry of all substantiated reports of abuse, neglect or exploitation of vulnerable adults and specifies the information the Registry must contain.

### education and training vouchers; appropriation (H.B. 2613) – Chapter 338

Appropriates \$500,000 from the state General Fund in FY 2006-2007 to the Department of Economic Security (DES) for the Education and Training Scholarship Program for Postsecondary Education. Requires DES to establish an educational case management unit to coordinate educational case management for foster youths in the Independent Living Program (ILP). DES must annually report information on ILP participants to the Governor and the Legislature.

### developmental disabilities; cognitive disability (H.B. 2743) – Chapter 197

Replaces the term “mental retardation” with “cognitive disability” and removes a duplicative definition in the Department of Economic Security Division of Developmental Disabilities statutes.

### utility assistance fund; administration (H.B. 2810) – Chapter 214

Changes eligibility for utility assistance from the Utility Assistance Fund, from household income at or below 125 percent to at or below 150 percent of the federal poverty level, and increases the maximum assistance an individual may receive in a fiscal year.

## **VETOES**

### domestic violence; orders of protection (NOW: human egg donor; informed consent) (S.B. 1097) – VETOED

Requires voluntary and informed consent for the harvest of human eggs from a donor and specifies what information is required for consent to be considered informed and voluntary. Classifies violations of the informed consent requirement as unprofessional conduct.

In her veto message, the Governor states that the bill is an attempt to inject politics into the medical advice a health care provider gives to a patient and that health care providers are already required to give patients complete and accurate advice regarding medical procedures.

## FAMILY SERVICES COMMITTEE (Cont'd.)

### public funds; abortion; prohibition (S.B. 1325) – VETOED

Prohibits the use of public funds or tax monies of the state or any political subdivision to pay the costs associated with a health insurance policy that provides abortion-related benefits, except in specified circumstances.

In her veto message, the Governor states that this legislation inappropriately prevents local governments from making their own decisions about health care coverage and expresses concern that the exceptions in the bill are too restrictive.

### abortion; fetal pain (H.B. 2254) – VETOED

Requires physicians to inform a woman who requests an abortion that the unborn child has the physical structures necessary to experience pain and will experience pain even if the mother has received a pain reducing drug. Failure to inform is classified as unprofessional conduct. Physicians are exempt from this requirement in specified circumstances.

In her veto message, the Governor states that the bill is an unwarranted intrusion into the doctor-patient relationship.

### juvenile hearings; jury trials (H.B. 2559) – VETOED

Continues, for three years, the option for a parent, guardian or custodian to request a jury trial for termination of parental rights (TPR) and allows parents in Maricopa or Pima County to request a change of judge for TPR in certain cases. If a judge or jury does not terminate a parent's rights at the conclusion of a trial, another action for TPR is prohibited unless the action relates to a new allegation or new information. The Administrative Office of the Courts is required, subject to legislative appropriation, to establish a permanency mediation program to provide nonadversarial dispute resolution and promote permanency for dependent children.

In her veto message, the Governor states that jury trials for TPR cause disruptions in the courts but do not provide different outcomes than bench trials. She also expresses concern that prohibiting another TPR action unless there is new information could cause children to linger in foster care.